

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Lonnie McPeak and Todd McPeak, )  
d/b/a McPeak Partnership, and )  
Kevin Fettig, )  
Plaintiffs, )  
vs. )  
Cattleman's Choice Loomix, LLC, )  
Defendant. )

**ORDER**

Case No. 1:08-cv-097

---

The court conducted a status conference with the parties on September 9, 2009. Pursuant to the parties discussions, the court's previous scheduling order shall be amended as follows:

3. The parties shall have until December 31, 2009, to complete fact discovery and to file discovery motions.
4. The parties shall provide the names of expert witnesses and complete reports under Rule 26(a)(2) as follows: Plaintiffs shall provide such information to Defendant by January 4, 2010. Defendant shall provide such information to Plaintiffs by February 5, 2010. Reports are to be served on other parties, but not filed with the court.
5. The parties shall have until March 1, 2010, to complete discovery depositions of expert witnesses.
10. The parties shall have until March 15, 2010, to file dispositive motions (summary judgment as to all or part of the case).

The court further **ORDERS** that the trial set for April 12, 2010, shall be rescheduled for June 7, 2010, at 9:30 a.m. in Bismarck, North Dakota, before Chief Judge Daniel L. Hovland. A seven (7) day trial is anticipated. Finally, the court **ORDERS** that the final pretrial conference set for April

6, 2010, shall be rescheduled for May 25, 2010, at 10:00 a.m. The conference shall be conducted via telephone conference call to be initiated by the court.

Dated this 9th day of September, 2009.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge